

RONALD C. TUSSEY, et al.,	:	
	:	
Plaintiffs,	:	Case No. 2:06-cv-04305 (NKL)
	:	
v.	:	
	:	
ABB, INC., et al.,	:	
	:	
Defendants.	:	
	:	

Pursuant to Fed. R. Civ. P. 60(b)(6), Defendants ABB Inc., John W. Cutler, Jr., Pension Review Committee of ABB Inc., Pension & Thrift Management Group of ABB Inc. and Employee Benefits Committee of ABB Inc. (collectively, the “ABB Defendants” or “ABB”), by their undersigned counsel, hereby move the Court to clarify or, in the alternative, modify the terms of the injunction granted by the Court in its Order, dated March 31, 2012. (*See* Dkt. No. 623.) For the reasons set forth in the accompanying Suggestions of Law, such relief is justified as it will avoid unnecessary harm to participants in ABB’s defined benefit and health and welfare plans. Accordingly, ABB respectfully requests that the Court grant the instant Motion.

Respectfully submitted,

1

1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5150
Facsimile: (215) 963-5001
admitted pro hac vice

Thomas E. Wack
Jeffrey S. Russell
BRYAN CAVE LLP
211 North Broadway, Suite 3600
St. Louis, MO 63102
Telephone: (314) 259-2000
Facsimile: (314) 259-2020

Attorneys for The ABB Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Clarify or Modify Injunction and supporting Suggestions of Law by Defendants ABB Inc., John W. Cutler, Jr., Pension Review Committee of ABB Inc., Pension & Thrift Management Group of ABB Inc. and Employee Benefits Committee of ABB Inc. (collectively, the “ABB Defendants”), were filed electronically and can be accessed through the Court’s electronic filing system by the following individuals on this 30th day of April, 2012:

Jerome J. Schlichter
Daniel V. Conlisk
Heather Lea
Mark G. Boyko
Schlichter, Bogard & Denton LLP
100 South 4th Street, Suite 900
St. Louis, MO 63102
Attorneys for Plaintiffs

Richard N. Bien
Adam B. Walker
Lathrop & Gage, L.C.
2345 Grand Boulevard, Suite 2800
Kansas City, MO 64108

Bob Eccles
Stephen D. Brody
Brian Boyle
O’Melveny & Myers LLP
1625 I Street, NW
Washington, DC 20006

James S. Dittmar
James O. Fleckner
Goodwin Procter
53 State Street
Exchange Place
Boston, MA 02109
***Attorneys for Defendants Fidelity Management Trust Company and
Fidelity Management & Research Company***

/s/ William J. Delany